



# Missouri Coalition for the Environment

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January 30, 2014

Dr. Karl Brooks  
Regional Administrator, Region 7  
Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, KS 66219

Re: West Lake Landfill Questions for EPA Region 7

The Missouri Coalition for the Environment (MCE) understands that EPA Region 7 agreed to assume lead jurisdiction over the isolation barrier on September 20, 2013 in an agreement with Attorney General Koster and Republic Services because the proposed isolation barrier is within EPA Region 7's geographic jurisdiction and the possibility of encountering radioactive material was possible. The isolation barrier is intended to keep the smoldering landfill fire from encountering radioactive wastes illegally dumped at the landfill in 1973. Below are questions from MCE and concerned community members:

- 1) Has EPA Region 7 considered the removal of the radioactive wastes due to the threat of the ongoing smoldering landfill fire?
- 2) Could Attorney General Koster have required Republic Services to remove the radioactive wastes through legal action?
- 3) Does the State of Missouri have legal authority over the disposition of the radioactive wastes?
- 4) Did EPA Region 7 consider other options that would ensure the smoldering fire would not reach the radioactive wastes other than the isolation barrier plan negotiated between the State of Missouri and Republic Services? If yes, please describe the process and/or provide documents related to the options considered before deciding that an "isolation barrier" will be sufficient to protect the radioactive wastes from the smoldering landfill fire.
- 5) What analysis has EPA Region 7 conducted to determine how the contaminants at West Lake would be affected by elevated temperatures in the landfill, specifically, temperatures above 140 degrees Fahrenheit?
- 6) Does EPA Region 7 have a contingency plan in the event of the isolation barrier plan failing or a smoldering fire starting within OU-1?

- 7) Will EPA Region 7 please make available all documents submitted by the PRP's, their contractors, and other agencies that are currently under review as it relates to the isolation barrier plan and its implementation? The Missouri Dept. of Natural Resources was able to post documents within days upon receipt. This effort allowed MCE and concerned citizens to submit comments related to our concerns.
- 8) Are there any laws that preclude EPA Region 7 from posting documents under review?
- 9) Does EPA Region 7 have the legal authority to request that the U.S. Army Corps of Engineers assume lead jurisdiction of the West Lake Landfill?
- 10) Does EPA Region 7 have the ability to ask the U.S. Army Corps of Engineers to perform site studies and evaluation of the West Lake Landfill?
- 11) Will EPA Region 7 contract with the Army Corps of Engineers FUSRAP (similar to how EPA Region 7 contracted the USGS on groundwater issues) to help characterize the radioactive wastes at West Lake Landfill because the St. Louis Army Corps of Engineers FUSRAP headquarters is already familiar with the contaminants, is located near the site where the radioactive wastes originated at Latty Ave., and has on-site laboratory facilities?
- 12) Why has EPA Region 7 not tested for radioactivity throughout the landfill?
- 13) Given that the Gamma Cone Penetration Test (GCPT) found radioactivity in areas believed to be not contaminated, does EPA Region 7 plan to test the entire landfill in order to know with certainty exactly where radioactive wastes are present?
- 14) Would EPA Region 7 be in charge of radioactive wastes found outside of OU-1?
- 15) Given that no formal commenting period was allowed when the isolation barrier was negotiated between Republic Services and EPA Region 7, do community members, businesses, or organizations have a legal right to comment on the isolation barrier as negotiations between EPA Region 7 and Republic Service unfold regarding the exact details?
- 16) Did EPA Region 7 seek/allow MDNR to comment on Phase 1, Phase 1b, Phase 1c, or Phase 2 of the isolation barrier plan?
- 17) Did DNR suggest establishing background radiation levels for the GCPT at an offsite location?
- 18) Did EPA Region 7 establish background radiation levels for the GCPT at an offsite location? If yes, please cite where this information can be found.
- 19) It's our understanding that background radiation was determined within the landfill. Our concern is that it will skew real background levels of radioactivity given that EPA Region 7 is now finding radioactivity in areas where it was presumed to be "clean." Will EPA Region 7 establish background radiation levels for the GCPT offsite in an area that are upstream, upwind and distant from the West Lake Landfill?

- 20) Did EPA Region 7 look for historical documents regarding the background level of radiation for St. Louis, Missouri before conducting the GCPT?
- 21) How does EPA Region 7 classify the work related to the isolation barrier? Is it a remedial action?
- 22) Is EPA Region 7 able to request a Health Hazard Evaluation from the National Institute of Occupational Health and Safety at the West Lake Landfill? If yes, will EPA Region 7 request a Health Hazard Evaluation in order to ensure the full safety of onsite employees? The emergence of radioactive material outside of the fence around OU-1 Area 1 within the landfill is of serious concern and because EPA Region 7 has not tested the entire landfill, radioactive material could be located elsewhere. The precautionary principle should be considered in order to protect human health for the landfill workers, nearby residents, and employees of nearby businesses.

Thanks,



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